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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

HERITAGE-NEVADA VIII, LLC,

Plaintiff,

v.

WORLD MARKET CENTER
VENTURE, LLC,

Defendant.

Case No. 3:08-mc-80245-VRW

(Case No. 2:08-cv-00130-PMP-RJJ
pending in the United States District Court
for the District of Nevada)

**JOINT STIPULATION REQUESTING
A 30-DAY CONTINUANCE OF
WORLD MARKET CENTER
VENTURE LLC'S MOTION TO
QUASH SUBPOENA AND
PROPOSED ORDER THEREON**

Plaintiff-opposer Heritage-Nevada VIII, LLC ("Heritage"), defendant-
movant World Market Center Venture, LLC ("WMC"), and joining party Cost Plus
Management Services, Inc. ("Cost Plus") hereby submit the following joint
stipulation and proposed order for a 30-day continuance of the January 29, 2009

1 hearing date and all related opposition and reply deadlines in connection with
2 WMC's pending motion to quash a subpoena that Heritage previously served upon
3 Cost Plus (Heritage, WMC, and Cost Plus are collectively the "parties").

4 The information and materials that are the subject of Heritage's subpoena
5 and WMC's motion to quash overlap at least in part with documents that are the
6 subject of Heritage's motion to compel currently pending in the United States
7 District Court for the District of Nevada, the court responsible for and most
8 familiar with the underlying litigation and its background facts. WMC cites this
9 overlap in its moving papers. *See, e.g.*, WMC supporting memorandum of law at
10 4, 7 (arguing that the documents that Heritage seeks in its subpoena "are presently
11 the subject of [a] dispute that is being heard on an expedited basis by the Nevada
12 District Court").

13 A hearing on Heritage's motion to compel in the District of Nevada is
14 currently scheduled for January 15, 2009. The parties are in agreement that the
15 resolution of Heritage's motion to compel could be helpful and potentially
16 instructive to this Court, and that a 30-day continuance of the January 29, 2009
17 hearing date and all related filing deadlines is desirable and warranted in the
18 interests of judicial economy. For example, one issue on the motion to compel
19 before the Nevada trial court is whether settlement documents and other
20 agreements between WMC and Cost Plus concerning the trademark WORLD
21 MARKET CENTER are relevant in the Nevada litigation. Such documents and
22 agreements are also the subject of Heritage's subpoena and the motion to quash.

23 If this Court believes that a continuance for a period other than 30 days is
24 warranted and/or more convenient for this Court, the parties would be amenable to
25 the Court's selected duration. The parties stipulate that the deadline for all
26 opposition and reply filings will be based upon the newly-selected hearing date, in
27 accordance with the Northern District of California local rules.

The parties reserve all rights, remedies, objections, and arguments in connection with this motion to quash, including (1) Heritage's argument that WMC's motion was procedurally defective and not filed in accordance with the Northern District of California local rules; (2) WMC's and Cost Plus' argument that Heritage's subpoena was procedurally defective and not served in accordance with these local rules; and (3) Cost Plus' request that if WMC's motion to quash is denied and Cost Plus is ordered to comply with Heritage's subpoena, Heritage should be ordered to pay for Cost Plus' costs and fees.

Dated: January 8, 2009

IT IS SO STIPULATED.

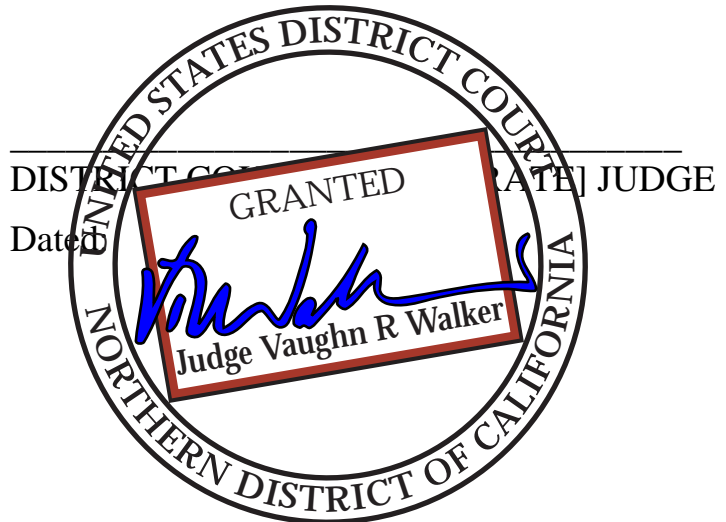
<u>/s/ Michael A. Firestein</u> Michael A. Firestein (SBN 110622) mfirestein@proskauer.com PROSKAUER ROSE LLP 2049 Century Park East 32nd Floor Los Angeles, CA 90067-3206 Tel: 310.557.2900 Fax: 310.557.2193 Brendan J. O'Rourke* Adam D. Siegartel* PROSKAUER ROSE LLP 1585 Broadway New York, NY 10036 Tel: 212.969.3000 Fax: 212.969.2900 *Admitted <i>pro hac vice</i> in District of Nevada <i>Attorneys for plaintiff-opposer</i> <i>Heritage-Nevada VIII, LLC</i>	<u>/s/Rob L. Phillips</u> Rob L. Phillips (SBN 175354) phillipsr@gtlaw.com Mark G. Tratos** Ronald D. Green** F. Christopher Austin** GREENBERG TRAURIG LLP 3773 Howard Hughes Parkway Suite 500 North Las Vegas, NV 89101 Tel: 702.792.3773 Fax: 702.792.9002 **Admitted in District of Nevada <i>Attorneys for defendant-movant</i> <i>World Market Center</i> <i>Venture, LLC</i>	<u>/s/Leila C. Knox</u> Marcy J. Bergman (SBN 75826) mbergman@cwclaw.com Leila C. Knox (SBN 245999) lknox@cwclaw.com COOPER, WHITE & COOPER LLP 201 California Street, 17th Floor San Francisco, CA 94111 Tel: 415.433.1900 Fax: 415.433.5530 <i>Attorneys for joining party</i> <i>Cost Plus Management Services, Inc.</i>
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I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

/s/ Joshua J. Pollack
Joshua J. Pollack

~~PROPOSED ORDER~~

Having considered the foregoing joint stipulation requesting a 30-day continuance of World Market Center Venture LLC's motion to quash subpoena, it is HEREBY ORDERED that the hearing date for this motion is continued to Thursday, March 19, 2009, and that all opposition and reply filings will be based upon this new hearing date in accordance with the Northern District of California local rules.



DISTRICT COURT [DATE] JUDGE
Dated:

CERTIFICATE OF SERVICE

I declare that: I am employed in the County of Los Angeles, State of California. I am over the age of eighteen years and not a party to the within cause; my business address is Proskauer Rose LLP, 2049 Century Park East, Suite 3200, Los Angeles, California 90067-3206. I am admitted to practice in the United States District Court for the Northern District of California.

On January 8, 2009, I caused a true and correct copy of the Joint Stipulation Requesting A 30-Day Continuance Of World Market Center Venture LLC's Motion To Quash Subpoena And Proposed Order Thereon, to be served by first class mail and electronic mail upon counsel for World Market Center Venture, LLC and Cost Plus Management Services, Inc. at the following addresses:

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Executed on January 8, 2009 at Los Angeles, California.

/s/ Joshua J. Pollack
Joshua J. Pollack